

1 DALE A. AMATO, ESQ. (SBN 137965)
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 8 Attorneys for Defendants PEERLESS INSURANCE COMPANY, LIBERTY MUTUAL
 9 FIRE INSURANCE COMPANY and GOLDEN EAGLE INSURANCE
 10 CORPORATION

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 12
 13 UNITED STATES DISTRICT COURT
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 15 SOUTHERN DISTRICT OF CALIFORNIA

16 SHAW MORTGAGE CORPORATION dba PATIOSOURCE & THE NATURAL TOUCH, a California Corporation)
 17 Plaintiffs,) CASE NO.: 08 CV 0709 BTM AJB
 18 v.) SDSC Case No. 37-2007-00084451-CU-BC-CTL
 19 PEERLESS INSURANCE COMPANY, a New Hampshire Company; GOLDEN EAGLE INSURANCE CORPORATION, a California Corporation; LIBERTY MUTUAL INSURANCE COMPANY, a Massachusetts Company; and DOES 1 – 20, inclusive,)
 20 Defendants.) **DECLARATION OF DALE A. AMATO IN SUPPORT OF MOTION TO DROP GOLDEN EAGLE INSURANCE CORPORATION AS A SHAM DEFENDANT**
 21) [Per Chambers, no oral argument unless requested by the Court.]
 22) **DATE: 6-6-08**
 23) **TIME: 11:00 a.m.**
 24) **COURTROOM: 15**
 25) Date Complaint Filed: 12/21/2007

26 I, DALE A. AMATO, hereby declare as follows:
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1. I am an attorney admitted to practice in this court, and I am a partner with the Berger Kahn law firm, legal counsel of record for Defendants Peerless Insurance Company, Golden Eagle Insurance Corporation and Liberty Mutual Insurance Company in the above-entitled matter. If called to testify in this matter, I could and would testify competently to the following facts, which are within my personal knowledge.

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1 2. On December 21, 2007, SMC filed its Complaint in the San Diego
2 Superior Court. On February 28, 2008, SMC filed its First Amended Complaint. A true
3 and correct copy of Shaw Mortgage Corporation's First Amended Complaint is attached
4 as Exhibit "1" to this declaration.

5 3. On April 16, 2008, PEERLESS answered the First Amended Complaint
6 and on April 17, 2008, my office removed this action to the United States District Court
7 for the Southern District of California, pursuant to 28 U.S.C. sections 1332 and 1441(b).

8 I declare under penalty of perjury under the laws of the United States of America
9 that the foregoing is true and correct.

10 Executed this 18th day of April 2008, at San Diego, California.

11
12 s/Dale A. Amato
13 Declarant
14 E-mail: damato@bergerkahn.com

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